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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

LUIS ALBERTO ABONCE-MUNOZ,

Defendant and Appellant.

A124718

(Mendocino County  
Super. Ct. No. SCUKCR08-  
86737-02)

Pursuant to a negotiated disposition, appellant Luis Alberto Abonce-Munoz pled no contest to reckless driving while evading a peace officer (count 1, Veh. Code, § 2800.2), possession of methamphetamine (count 2, Health & Saf. Code, § 11377, subd. (a)), and misdemeanor resisting arrest (count 4, Pen. Code, § 148, subd. (a)(1)). Appellant also admitted a state prison prior. (Pen. Code, § 667.5, subd. (b).) The agreed-upon sentence was no more than four years eight months. Consistent with the negotiated disposition, appellant was sentenced to three years on count 1, two years concurrent on count 2, and 60 days concurrent on count 4.

Appellant attempted to evade police who were making a lawful vehicle stop of the car appellant was driving. Following his arrest, a search of appellant disclosed .02 grams of methamphetamine.

Counsel for appellant has filed an opening brief raising no issues and asking this court for an independent review of the record pursuant to *People v. Wende* (1979) 25

Cal.3d 436. We have conducted the requested review and conclude that there are no arguable issues.

Appellant was represented by counsel throughout the proceedings. His pleas and admission were validly entered. There was no sentencing error. Appellant's contention in a supplemental letter brief that the trial court in sentencing erroneously relied upon a dismissed count involving a firearm lacks merit. At sentencing, the trial court expressly stated: "I'm not considering the firearm."

Judgment affirmed.

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Reardon, J.

We concur:

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Ruvolo, P.J.

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Rivera, J.